IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Bail Appl..No. 289 of 2007()

CP.124/2006 of JFCM.-I, PUNALUR
CR No.68/04 of Pathanapuram Excise Range

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: PETITIONER

RAJESH, S/O.RAJU,
RAJESH BHAVAN, CHALIYAKAVE MURI,
PATHANAPURAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.K.JAYAKUMAR
SRI.R.SURAJ KUMAR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR, PATHANAPURAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.

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B.A.No.289 of 2007

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Dated this the 18th day of January, 2007.

ORDER

Petitioner, who is the sole accused in C.R.No.68 of 2004 of Pathanapuram Excise Range for offences punishable under Section 8 (1) and (2) of Abkari Act for allegedly having been found in possession of 5 litres of illicit arrack on 16.6.2004, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the J.F.C.M.-I, Punalur where the case is pending as C.P.No.124 of 2006, non-bailable warrant is pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the petitioner's explanation for his previous non-appearance.

With this direction, this application is disposed of.

V.Ramkumar,
Judge.

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